

# Indiana Emergency Response Commission

## MEETING MINUTES

### INDIANA EMERGENCY RESPONSE COMMISSION

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**Meeting Date:** 11/3/2022

**Meeting Time:** 12:30pm

**Meeting Location:** Indiana Hazmat Conference, 150 Fairington Ave., Lafayette, IN

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#### **COMMISSION MEMBERS PRESENT** *(in person participation unless otherwise noted)*

Stephen Jones---State Fire Marshall, Chairperson

Michael White---Designee for Joel Thacker, IDHS Executive Director

Peggy Dorsey---Designee for Brian Rockensuess, IDEM Commissioner *(via Microsoft Teams)*

Jeff Larmore--- Local Government Representative

Cara Cyrus---Business/Industry Representative *(via Microsoft Teams)*

James Pridgen---Business/Industry Representative *(via Microsoft Teams)*

Shawn French---Business/Industry Representative *(via Microsoft Teams)*

Bruce Palin---Public Representative

Vincent Griffin---Public Representative

#### **COMMISSION MEMBERS ABSENT**

Matt Bilkey/Chris Barr--- Designee for Douglas Carter, ISP Commissioner

#### **STAFF MEMBERS PRESENT**

Hillary Egan--- IDHS

Casey Kenworthy---IDHS

Erin Miller---IDHS

Jackie Pulley- IDHS

#### **WELCOME AND INTRODUCTION**

The meeting was called to order at approximately 12:30pm by Chairman Jones.

#### **QUORUM**

Mr. Kenworthy indicated a quorum was present after the roll call with nine (9) members present.

#### **REPORT OF THE CHAIR**

Chairman Jones welcomed everyone to the November 2022 IERC meeting at the Indiana Hazmat Conference.

#### **CONSIDERATION OF MINUTES**

Mr. Griffin made a motion to approve the September 12, 2022 meeting minutes. Mr. Palin seconded the motion. **Motion passed.**

#### **Record of Votes**

Chairman Jones---Yes

Mr. White---Yes

Ms. Dorsey---Yes

Mr. Larmore---Yes

Ms. Cyrus---Yes

Mr. Pridgen---Yes

Mr. French—Yes

Mr. Palin—Yes

Mr. Griffin—Yes

### **ROSTER APPROVAL**

Mr. White made a motion to approve the changes as submitted. Chairman Jones seconded the motion. Motion passed. A copy of the roster report detailing the changes is attached.

### **Record of Votes**

Chairman Jones—Yes

Mr. White—Yes

Ms. Dorsey—Yes

Mr. Larmore—Yes

Ms. Cyrus—Yes

Mr. Pridgen—Yes

Mr. French—Yes

Mr. Palin—Yes

Mr. Griffin—Yes

### **OLD BUSINESS**

#### ***LEPC Plan Module Training***

Mr. White reported that the new Plan Module went live on October 1<sup>st</sup>. Mr. White, Mr. Kenworthy, Ms. Miller, and Ms. Pulley have been traveling or will be traveling to the 10 districts to assist LEPCs in becoming familiar with the new module, its requirements, and to answer any questions that LEPCs have. Locations and dates for districts 5-10 have been set. District 2's training went well and LEPCs seem to understand what is ahead and are pleased with the module so far. Mr. White and his staff plan to visit the 10 districts again in March to do another training, mostly within the facility side of the new module.

Chairman Jones stated that Tier II has a lot of information and encouraged the conference attendees to access their Tier II accounts to view that information. Chairman Jones wants to ensure that fire departments are aware of such information as trainings, available equipment, and PPE, to use that information for risk analysis in local communities. The ability to see who is reporting and what chemical they are reporting is vital for fire departments.

Mr. Larmore added that Tier II has changed from two or three years ago and is more useful with more information than in the past, including improved mapping and other features. Mr. Larmore also mentioned that the new plan module is an effort to improve accessibility to the plan and ease of writing the plan.

### **NEW BUSINESS**

#### ***Report Extensions***

Mr. White reported that LEPCs frequently ask for extensions to due dates for document submission. It was first suggested that any extension request would need to be made in front of the Commission. The IDHS legal team researched this policy and found it to not be allowable as the due dates are set in state code. With the health emergency the last couple years, some allowances have been made. But, in 2023 the due dates will be strictly enforced.

Mr. Larmore asked if funding will be jeopardized if LEPCs do not meet the due dates. Mr. White confirmed that funding will be jeopardized if due dates are not met because the LEPCs will not be compliant. There is no partiality. If a document is not submitted, the LEPC is not compliant. Mr. Larmore stressed the need for clear communication to the LEPCs of this outcome.

Chairman Jones also noted that he wants to verify this one more time with IDHS legal because he wants to make sure LEPCs do not miss out on their funding.

#### ***Document Submission Reimbursement***

Mr. White stated that since many LEPCs are volunteers, we are looking at ways to compensate document submission. It requires a lot of time and attention, and we want to keep LEPCs engaged and active. It will be handed to a committee to research further. More information will be available in January.

Mr. Larmore mentioned that stipends are currently allowed to be granted and he is concerned about ethics. Mr. White stated the committee will work with legal to explore all options.

#### ***LEPC Plan Module Due Date Adjustment***

Mr. White stated that right now LEPC plans contain information from the year previous, but what is a plan? A plan is supposed to help prepare for the future. Currently, LEPC plans are more of a report. The IERC wants to amend this so that a plan submitted will contain information for the upcoming year rather than the year that just ended.

Fire departments can look at the plan to see when upcoming meetings, exercises, and trainings are, rather than seeing the meetings, exercises, and trainings they missed.

Chairman Jones wants the plan to be thinking ahead when it comes to facilities, training, equipment, etc. We should be looking at what we will need for our first responders. Mr. Jones also noted that it will help with budgeting.

Mr. Rock from District 2 spoke up in support of adjusting the plan year/due date stating that we should be looking ahead and part of that is figuring out what you need to improve based on what you've seen in the past. The mindset needs to change.

More information about this will be coming in 2023.

#### ***IERC Meeting Dates for 2023***

At least one or two meetings will be on the road next year to meet the LEPCs out in the field. St. Joseph and Elkhart Counties have both offered to host.

January 9, 2023 will be at MADE@Plainfield.

March 13, 2023 will possibly be in St. Joseph or Elkhart County, District 2 area.

May 8, 2023 will be at MADE@Plainfield.

July 10, 2023 does not have a location set yet but we are looking to go south.

September 18, 2023 will be at MADE@Plainfield.

November's date is TBD but the location will possibly be at the 2023 Indiana Hazmat Conference.

#### **SARA TITLE III PROGRAM REPORT**

Mr. Kenworthy provided a budget update in which Tier II Manager has received approximately \$689,160 from January 1<sup>st</sup> to November 3<sup>rd</sup>. Last year's total for the same time period was approximately \$642,110, so an increase in funds is still being observed.

Mr. Kenworthy referenced his past efforts to get more fire departments enrolled into Tier II Manager and provide them with training on how to use Tier II Manager. When Mr. Kenworthy originally started out, approximately 164 fire departments in the state were active in Tier II Manager. As of this meeting, there are approximately 250. Mr. Kenworthy will repeat this process next year with outreach and communication.

The Sara Title III Program is now preparing for the upcoming Tier II season, risk year 2022. Mr. Kenworthy will be hosting a Tier II webinar for facilities on December 7th at 1pm through Microsoft Teams. IDHS Public Information Office will be sending official invitations but Mr. Kenworthy would like to open the webinar up to LEPCs and fire departments as well. It is a great opportunity for LEPCs and fire departments to learn the facility process to complete a Tier II report and where the information for the LEPC plan comes from.

Mr. Kenworthy noted that during District 2's LEPC Plan Module training, there was confusion from present LEPCs about what the Tier II reports are and how they integrate into the LEPC plan. This showed Mr. Kenworthy that it might be beneficial to focus on educating LEPCs on EPCRA and facility reporting.

Lastly, Mr. Kenworthy discussed the 8 EHS facility plan questions mentioned in previous meetings. These questions were created and approved several years ago to be included in the upcoming Tier II season. The questions are not a plan, facilities do not have to submit a plan to us; the facilities just need to answer the questions. These questions were meant to be required with the new plan module. They are no longer required but facilities are encouraged to answer them as they all are required in the LEPC plan.

Mr. Kenworthy acknowledged that this is the first year and that there will be growing pains but he has been trying to be transparent with the facilities and has provided resources on the Tier II Manager webpage on the IDHS website. This webpage explains which facilities need to answer the questions, and what the benefit of answering the questions will be.

Chairman Jones noted that these questions are still a work in progress with the IDHS legal department and that the questions could change.

Ms. Cyrus asked for possible creation of a template letter for LEPCs to send to facilities explaining the information about the EHS facility questions. Chairman Jones stated it's creation can happen in the background until clarification from legal comes through.

Mr. Larmore asked about the funding and what happens when facilities do not make the March 1<sup>st</sup> deadline. Mr. Larmore asked about what happens to the funding that does not get included in the check sent to LEPCs and if it gets rolled over to next year. Mr. Kenworthy stated that he is not involved in the money distribution aspect but that rollover is how he understands it should be. Mr. Larmore also asked if there was a way for LEPCs to receive a list of facilities that are delinquent with payments so the LEPCs can reach out. Mr. Kenworthy stated that LEPCs already have the ability in Tier II Manager to view this information.

### **PUBLIC COMMENTS**

Mr. Rock would like legal to also clear up what the legal authority of the LEPC to question the facilities. Mr. Larmore stated that it is EPCRA. Mr. Rock stated that in the 20 years he has been involved, no one has outright said LEPCs have this authority.

Chairman Jones stated that Chapter 50 of the Indiana Fire Code talks about planning and working relationships between first responders and facilities. Mr. Rock pointed out that LEPCs are not first responders.

Mr. Larmore stated again that it is in EPCRA, which allows LEPCs to require certain information from facilities. The challenge is that the LEPCs are required to have the facility information but does not state how LEPCs are empowered to get that information.

Ultimately, the Chairman stated that we do not want to act on knee-jerk reactions and are still researching the best outcomes. The goal is to help communities in Indiana.

Jerry Nulliner, the President of the Alliance of Indiana Hazardous Materials Responders, welcomed and thanked the Commission for holding the meeting at the Indiana Hazmat Conference. Mr. Nulliner stated he appreciated the support and wants to support the Commission as well. Mr. Nulliner also stated that it is possible that the conference will move around the state next year but logistics are still being worked out.

Mr. Nulliner also asked whether the Commission works off of the fiscal year or the calendar year? Mr. Nulliner supports changing the plan intention but feels that the dates need to come together. Mr. Nulliner also stated that having more fire departments involved in Tier II and LEPCs will be beneficial for everyone.

Mr. Larmore asked the audience if they knew if their LEPC applied for HMEP grants. Mr. Larmore stated that it is an important source of funding and encouraged everyone to get familiar with the process.

#### **ADJOURNMENT**

Mr. Palin made a motion to adjourn. Mr. Larmore seconded the motion. **Motion passed.**

#### **Record of Votes**

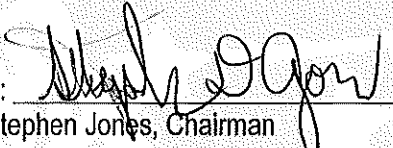
Chairman Jones—Yes  
Mr. White—Yes  
Ms. Dorsey—Yes

Mr. Larmore—Yes  
Ms. Cyrus—Yes  
Mr. Pridgen—Yes

Mr. French—Yes  
Mr. Palin—Yes  
Mr. Griffin—Yes

#### **NEXT MEETING**

January 9, 2023 at MADE@Plainfield, 1610 Reeves Rd, Plainfield, IN 46168.

Approved:   
Stephen Jones, Chairman

Date: 1/9/23